

DOUGLAS A. DUCEY
- GOVERNOR -



VICTORIA WHITMORE
- EXECUTIVE DIRECTOR -

ARIZONA STATE VETERINARY MEDICAL EXAMINING BOARD

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VETBOARD.AZ.GOV

INVESTIGATIVE DIVISION REPORT

TO: Arizona State Veterinary Medical Examining Board

FROM: Investigative Division

RE: Case: 19-92

Complainant(s): Arizona State Veterinary Medical Examining Board

Respondent(s): Adam Staerkel, CVT (License: V2108)

SUMMARY:

Complaint Received at Board Office: 6/19/19

Board Discussion: 8/21/19

APPLICABLE STATUTES AND RULES:

Laws as Amended July 2014

(Salmon); Rules as Revised

September 2013 (Yellow)

On June 3, 2019, the Board received Respondent's request for reinstatement of his certified veterinary technician certificate. Upon review of the reinstatement application it was noted that two DUI charges from 2006 and 2007 were disclosed.

Upon review of Respondent's original certified veterinary technician applications, these charges were not previously reported as required. The original applications were received in 2015 and 2016.

On June, 19, 2019, the Board voted to reinstate Respondent's CVT certificate and open an investigation for failure to disclose criminal charges on two certified veterinary technician applications.

PROPOSED 'FINDINGS of FACT':

1. On June 3, 2019, the Board received Respondent's request for reinstatement of his certified veterinary technician certificate. Upon review of the reinstatement application it was noted that two DUI charges (while residing in Wisconsin) from 2006 and 2007 were disclosed. Upon review of Respondent's original certified veterinary technician applications, these charges were not previously reported as required. The original applications were received in 2015 and 2016.
2. At the June 19, 2019 Board meeting, the Board voted to reinstate Respondent's veterinary technician certificate and open an investigation for failure to disclose criminal charges on two certified veterinary technician applications.
3. On June 24, 2019, a Letter of Inquiry was sent to Respondent giving him 15 days to respond to the investigation.
4. On July 17, 2019, Respondent called the Board office stating he was having difficulty getting the requested documents from the police department/court house but should be getting the information that day or the next. He advised he would be emailing the documents and his response to the Letter of Inquiry upon receipt of the information. Respondent was advised at that time that the Board would review the matter on August 21, 2019.
5. On July 26, 2019, since a response had not been received from Respondent, a message was left on his voicemail with a return phone number and email address. No return call was received.
6. On July 29, 2019(4:45pm), no response from Respondent regarding the investigation therefore another call was placed and a voicemail was left requesting Respondent to call back.
7. On July 30, 2019, Respondent emailed his response to the Letter of Inquiry and police records for one of the two incidents. Respondent stated in his narrative that he was only able to obtain records for the 2006 incident in the timeframe allotted. Respondent took an additional 21 days to respond to the investigation and did not request additional time, if needed, to obtain the incident report from 2007.
8. In Respondent's narrative, he stated the reason why he did not report the criminal charges on his applications may have been that he was rushing to meet the deadline to submit the applications, as the application process was more difficult for him than the actual State exam.
9. Respondent's application receipt dates and deadline dates were:
 - a. Respondent's application received: 4/6/15
 Deadline: 6/4/15
**Application was not completed and expired.*
 - b. Respondent's second application received: 1/19/16
 Deadline: 2/03/16

10. Respondent further stated that it is possible that he dismissed the question on the applications regarding the charges since they happened long ago and are irrelevant to him and who he is as a person today.

11. In an email to the Board, he stated he was given 30 days time served for being enrolled in a residential treatment program during his court date in 2007. Afterwards, he relocated to Arizona for continued mental health therapy, which continues to benefit his life currently.

12. Respondent let his certificate lapse during the 2019 – 2020 renewal cycle. His renewal application was returned to the Board office due to insufficient address. On December 18, 2018, the renewal was emailed to him; no response was received. The Board office did not receive Respondent's updated address information until his reinstatement request was received June 3, 2019.

The information contained in this report was obtained from the case file, which includes the complaint, the respondent's response, any consulting veterinarian or witness input, and any other sources used to gather information for the investigation.

Tracy A. Riendeau, CVT
Investigative Division

To whom it may concern,

1. When applying for my CVT it has been alleged that I didn't fully comply with all aspects of the application process. As this was several years ago and I don't have a record of my application it is difficult to accurately respond. Although I am doubtful of my negligence, I have no reason but to believe the board as you have accurate records to rely upon. It was not my intention to lie, mislead or misrepresent myself when applying for my CVT. Furthermore, I have never lied, mislead or misrepresented myself when applying for any other job, application or financial institution. If provided enough time I could receive statements or records from previous employers proving that I am honest and forthright on all my applications. I am not sure how/when I missed the subject matter on the application and apologize for the inconvenience of this matter.
2. I am not sure why I didn't accurately fill this section of the application out properly. I can only assume that I missed the section rushing to meet the deadline, as the application process was more difficult for me than the actual state examinations.
3. I have only been arrested on 2 occasions, both resulting in DUI/OWI charges in 2006 and 2007. Unfortunately, I have only been able to obtain records for the 1st, more severe case in the timeframe allotted. As these convictions are both nearly 13 years old at this time, they are and have been irrelevant to me and who I am as a person currently. I suppose it's possible I dismissed the question on the application due to this irrelevance to me personally and didn't want the past to haunt my future opportunities. Although, I have always been forthright and honest when discussing my past, especially as it relates to employers and employment applications. In fact this is the only time I didn't properly comply and am willing to deal with any repercussions at this time. I would ask the board today for leniency on the matter as the board has proof from a non-related anesthetic case where I presented myself to the board and previously proved integrable morals and ethics on the topic of honesty and compliance with medical standards.
4. Copy of arrest records attached below



**Neenah Police Department
Open Records Request Form**

JUL 2 '19 PM 2:20

Please fill out this form if you are requesting a search of Department records. **Page 2 must be completed and signed prior to non-redacted records being released.** Submit or deliver completed forms to:

**Neenah Police Department, Attn: Records
2111 Marathon Avenue, Neenah, WI 54956-4771
Fax: 920-886-6054 / Email: Police@ci.neenah.wi.us**

Your record(s) will be processed within ten (10) business days from your request unless otherwise notified. Records not picked up within seven (7) days will be DESTROYED. Fees for copies ARE DUE UPON RECEIPT. If your request is denied an explanation will be given.

FEES:

There are no fees for records returned via email. Fees for copies or digital media are as follows:

Copies \$.0135 per page

Printed Photos \$.0632 per page.

Digital Media DVD - \$.13 per DVD

(photos/videos) Flash Drive - \$6.53 (16 GB), \$10.08 (32 GB), \$18.52 (64 GB)

\$1.00 Mailing Fee

Administrative Fees: Requests requiring research shall be assessed labor fees if research time equals or exceeds \$50.00 in costs at \$22.54 per hour.

Requester Information	Date of Request: 7/1/19
Name of Person Completing Form: Adam P. Staerke	
Firm/Corporation:	Requester Phone # [REDACTED]
Requester Address: [REDACTED]	
Requester Email: [REDACTED]	

Record Information	Date(s) of Accident/Incident: 2006/2007
Location of Accident/Incident: DUI, OWI	
Party Name to the Accident/Incident: Adam Staerke	Party Name DOB: [REDACTED]
Type of Incident: Neenah / Winnebago County	Report # if known:
Specific Information Requested: Records for work Certificate	

Federal Driver Privacy Protection Act Permissible Uses Form-Authorization

Based upon the Federal Driver's Privacy Protection Act, this request must be completed before information containing personally identifiable information in the Police Report can be released without redaction. Knowledge of what access and uses are permitted under the listed Federal Act is the responsibility of the Requester.

See Page 2 for allowable exemptions for non-redacted records being released.

Incident Report

NEENAH POLICE DEPARTMENT
2111 MARATHON AV
NEENAH, WISCONSIN 54956
(920) 886-6000

Incident Number: NP06-004033

Incident Summary

Incident Type: TRAFFIC PURSUIT	Report Type: INCIDENT
Inc Occurred Address: 431 MONROE ST, NEENAH, WISCONSIN 54956	Sector/Beat: 4/WN09
Inc Occurred Start: 04/24/2006 00:55	Inc Occurred End: 04/24/2006 00:55
Domestic: N	Substance: U
Bias Motivation:	Gang Related: U
Other Agency:	Reported Date/Time: 04/24/2006 00:55
Reporting Officer: MOHR, WILLIAM	Primary Assigned Officer:
Case Status: SUBMITTED TO CT Clearance: CLOSED BY ARREST - ADULT	Clearance Date/Time: 04/24/2006 15:10
Jurisdiction:	

Offenses

Statute Code: 346.63(1)(A)
Enhancers:
Statute Desc: OWI - OPERATING UNDER THE INFLUENCE
Counts: 1 Statute Severity:

Statute Code: 346.57(4)(E)
Enhancers:
Statute Desc: SPEEDING 25MPH IN CITY OR VILLAGE
Counts: 1 Statute Severity:

Statute Code: 346.04(3)
Enhancers:
Statute Desc: KNOWINGLY FLEE AN OFFICER (FELONY)
Counts: 1 Statute Severity:

Statute Code: 346.62(2)
Enhancers:
Statute Desc: ENDANGERING SAFETY BY RECKLESS DRIVING
Counts: 1 Statute Severity:

Statute Code: 346.57(4)(E)
Enhancers:
Statute Desc: SPEEDING 25MPH IN CITY OR VILLAGE
Counts: 1 Statute Severity:

Statute Code: 346.63(1)(B)
Enhancers:
Statute Desc: OWI - PAC - OPERATING WITH PROHIBITIVE BAC
Counts: 1 Statute Severity:

Incident Report

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Incident Number: NP06-004033

Persons Involved

Person#: 0001	MNI: 10160			
Event Association: DEFENDANT		Contact Date/Time: 04/24/2006 00:55		
Name: STAERKEL, ADAM P				
SSN:	DOB:	Age:	Sex:	Race:
Height:	Weight:	Eye Color:		Hair Color:
Phone Type 1: HOME	Phone# 1:	Ext 1:		
Phone Type 2:	Phone# 2:	Ext 2:		
DL State:	DL#:	DL Exp. Date:		
Occupation:		Employer/School:		
Verified by #1:		Verified by #2:		

Person address(es)

Address: HOME ADDRESS, 55306

Person Offenses

Statute Code: 346.63(1)(A)	Enhancers:
Statute Desc: OWI - OPERATING UNDER THE INFLUENCE	
Counts: 1	
Statute Code: 346.63(1)(B)	Enhancers:
Statute Desc: OWI - PAC - OPERATING WITH PROHIBITIVE BAC	
Counts: 1	
Statute Code: 346.62(2)	Enhancers:
Statute Desc: ENDANGERING SAFETY BY RECKLESS DRIVING	
Counts: 1	
Statute Code: 346.04(3)	Enhancers:
Statute Desc: KNOWINGLY FLEE AN OFFICER (FELONY)	
Counts: 1	
Statute Code: 346.57(4)(E)	Enhancers:
Statute Desc: SPEEDING 25MPH IN CITY OR VILLAGE	
Counts: 1	

Person#: 0002	MNI: 136380			
Event Association:		Contact Date/Time: 04/24/2006 00:55		
Name:				
SSN:	DOB:	Age:	Sex:	Race:
Height:	Weight:	Eye Color:		Hair Color:
Phone Type 1: HOME	Phone# 1:	Ext 1:		
Phone Type 2:	Phone# 2:	Ext 2:		
DL State:	DL#:	DL Exp. Date:		
Occupation:		Employer/School:		
Verified by #1:		Verified by #2:		

Person address(es)

Address: HOME ADDRESS,

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Vehicles Involved

Vehicle#: 0001

Event Assoc: INVOLVED IN INCIDENT

Vehicle Type:

Year:

VIN:

License#: 304FRH

Style:

Prim Color:

Status Dt/Tm:

Status Value:

NCIC Date:

NCIC#:

Vehicle Status:

Make: HONDA

State: WI

Sec Color:

Recovered Date:

NCIC Reported By:

NCIC Cancelled:

Model: CIVIC

Expires On:

Ter Color:

Recovered Value:

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Incident Number: NP06-004033

Narratives

ENTERED DATE/TIME: 4/24/2006 00:55:00

NARRATIVE TYPE: INITIAL NARRATIVE

SUBJECT: OWI

AUTHOR: MOHR, WILLIAM

04/24/06

Portion of the following incident were captured on the dash camera for squad #8, which is a fully marked squad for the City of Neenah which is a Chevrolet Tahoe.

I was in the parking lot of the Old Post Office building in the City of Neenah, which is in the 300 block of S. Commercial Street. I was in this location speaking with Officer C. Driscoll. In the parking lot I was facing east and from this location I could hear tires squealing. It sounded like the tires that were squealing were from my left which was to the north of our location. I then observed a small red Honda traveling southbound in the 300 block of S. Commercial Street at what I thought was a high rate of speed. It should be noted that this is a 25mph speed limit.

I then pulled my squad out onto S. Commercial Street, came to a complete stop, and observed that this vehicle, which was still southbound, was traveling 38mph in a 25mph zone. It should be noted that prior to starting my shift, I did properly test the radar unit and found that it was in proper working order. This vehicle, small red Honda, was the only vehicle on the road at this time, either north or southbound.

I then pursued this vehicle southbound and as the vehicle was ahead of me a short distance, I observed that it made a right hand turn to head westbound on Winneconne Avenue. Upon my reaching Winneconne Avenue, the vehicle appeared to be pulling away or what I thought was trying to elude me. As I was traveling on Winneconne Avenue attempting to catch up to this vehicle, it made a right hand turn to head northbound on Isabella Street. Upon the vehicle making the right hand turn, I did activate my lights and was now attempting to catch up to this vehicle in more haste to initiate a traffic stop. As I was traveling on Winneconne Avenue approaching Isabella Street, I observed that the vehicle had now driven up a driveway on Isabella Street. The driveway that the vehicle had driven up onto, belongs to an address of 303 Winneconne Avenue. The vehicle had cut the corner and while driving up on the driveway, had driven across the boulevard onto Monroe Street and down the curb and continued westbound on Monroe Street, eluding me at which time I activated my siren now giving audible and visual signal for this vehicle to stop. As I did not lose sight of this vehicle it continued westbound on Monroe Street and I began to call out a chase with other Neenah Units as well as dispatch. The vehicle was now approaching Henry Street and at full speed trying to elude me, went through the stop sign. The vehicle continued westbound at a high rate of speed in the 400 block of Monroe Street which is a dead end and pulled into the driveway of 431 Monroe Street.

As the defendant did this, I exited my squad and immediately pursued on foot, which the defendant ran into the back yard of 431 Monroe Street climbing over 2 fences. As I continued to run after the defendant in the back

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yard of 431 Monroe Street, the defendant did fall onto the ground after climbing over the second fence. I was now approximately 5' from the defendant ordering the defendant to stop and I did draw my taser and advised the defendant that if he did continue to resist I would tase him. The defendant stopped running and I ordered the subject down onto the ground.

I then found that Officer C. Driscoll was also with me at this time running parallel along the railroad tracks at which time he then climbed over a fence and did take custody of the defendant. Officer C. Driscoll then walked the defendant out to Adams Street where I did take custody of the defendant. He was identified with a Wisconsin Drivers License as Adam Staerkel. I immediately detected a very strong pungent and reeking odor of an alcohol beverage emitting from his breath and he did admit to consuming alcohol. I also informed him that at this time he was currently under arrest for Felony Eluding a Police Officer. He was searched and placed in the rear of my squad.

I then returned to 431 Monroe Street where Adam Staerkel left the vehicle that he was operating and he attempted to elude me. This vehicle was searched incident to arrest and the registered owner of the vehicle was contacted. I was advised that the registered owner of the vehicle, , has stated that would be operating her vehicle. was then advised of the incident and that Goss Auto Body would be taking custody of the vehicle.

I then returned to the Neenah Police Department with Adam Staerkel and Officer C. Driscoll did remain on the scene until Goss Auto Body did respond to the scene and remove the vehicle.

In the booking area of the Neenah Police Department, I again had to inform Adam Staerkel that he was under arrest for Felony Eluding an Officer, at which time he became very emotional. I informed him that due to the fact that he had been consuming alcohol, I was now going to conduct Field Sobriety Tests for investigating a possible charge of Operating a Motor Vehicle While Under the Influence of Intoxicants.

The first Field Sobriety Test that I conducted was the Horizontal Gaze Nystagmus Test. Adam advised me that he was not wearing glasses or contacts. I observed that both pupils were of equal size, tracked evenly and his eyes were glassy and blood shot. In this test Adam exhibited lack of smooth pursuit, nystagmus at maximum deviation and nystagmus prior to the onset of 45 degrees in both the left and right eye. Adam also exhibited vertical nystagmus. I then asked Adam Staerkel if he had any physical disabilities or injuries that would prohibit him from doing further Field Sobriety tests. He stated no.

I then explained the Heel to Toe Walk Test. In this test, I instructed Adam to stand with his left foot in front of his right foot heel to toe on the line that was taped to the floor of the booking area. I then demonstrated for Adam Staerkel that he was to walk 9 steps heel to toe counting out loud. I advised him that he should keep his arms at his side and after counting out the first set of 9 steps, should turn around and take another set of 9 steps on the line counting out loud heel to toe. He then started to do this test. The first set of 9 steps that Adam Staerkel had taken were without incident, however the second set of 9 steps he stepped off the line and lost his balance and

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actually took a step back. He then continued with the 9 steps and upon completing, turned and faced me and lost his balance again.

I then started to explain the One Leg Stand to Adam Staerkel at which time he made the comment to me that he was not going to perform anymore Field Sobriety Tests or take my test.

I then informed him that I was going to be placing him under arrest also for Operating a Motor Vehicle While Under the Influence. I then escorted him and had him sit in the interview room of the booking area for further processing.

I then filled out and issued traffic citation G785441-6 to Adam Staerkel for Operating a Motor Vehicle While Under the Influence of Intoxicants. It should be noted that at 1:18 AM I did check the mouth of Adam and found no foreign object and began my 20-minute observation period. I then read and completed the Informing the Accused form for Adam and he did agree to give me an evidentiary chemical test of his breath. As I was completing some paper work, Adam had made several comments about what he did was stupid and that he does not remember what happened. As Officer C. Driscoll had prepared the Intoximeter EC/IR Test, upon my direction he instruct Adam on the Intoximeter EC/IR Test. After conducting the test I was advised by Officer C. Driscoll that Adam's reported value was .18. I then completed traffic citation G785444-2 for Prohibited Alcohol concentration. I then issued Adam his copy of the Administrative Review Request, as well as the Notice of Intent to Suspend Operating Privilege and issued him his Temporary Driving Permit.

I then completed the Alcohol Drug Influence report for Adam and did read him his Miranda Warnings and Waiver. After he signed for the Waiver of Rights and Miranda Warnings he stated that he refused to answer any questions that I wished to ask him. Adam was then issued traffic citation G785442-0 for Speeding in excess of fixed limits. This is for the fact that Adam was traveling 38mph in a 25mph zone on S. Commercial Street. I then issued Adam traffic citation G785443-1 for Endangering Safety of Person or Property by Reckless Driving. The reason that this citation was issued was for the fact that Adam had driven up a driveway on Isabella Street and across the driveway, boulevard, down the curb onto Monroe Street. At the speed that Adam was driving, if there was a vehicle coming eastbound on Monroe Street or a pedestrian of any type, there would have been a catastrophic accident. Also for the fact and speed that Adam was driving westbound on Monroe Street and totally ignoring the stop sign at Henry Street again, it could have happened.

As I had informed Adam before that he was being arrested for Felony Fleeing an Officer, I did fill out for record keeping sake traffic citation G785445-3 for Adam in reference to Fleeing an Officer Auto Chase and in the deposit bail, Felony was written, however this citation was not issued to him. I did fill out the attached Criminal Arrest Sheet for Adam in reference to this charge of 346.04(3) for Fleeing an Officer, as well as Resisting Obstruct an Officer 946.41. I also filled out the attached District Attorney Prosecution Request form.

At the Neenah Police Department I did complete the Wisconsin Law Enforcement Pursuit report, as well as entered Adam onto the Custody Ledger. It should be noted that at the time that I dealt with Adam, after the

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apprehension he was cooperative. kls/amw cb

ENTERED DATE/TIME: 4/24/2006 00:56:00

NARRATIVE TYPE: SUPPLEMENTAL NARRATIVE

SUBJECT: NARR 02

AUTHOR: DRISCOLL, CLINT

I was turning some equipment over to Officer Mohr in the old post office parking lot on Commercial St. As I was speaking with him, I noticed Officer Mohr look up in an abrupt movement and started to pull away from me in mid sentence. I observed Officer Mohr pull onto Commercial St. and also observed a red Honda southbound on Commercial St. at well above the posted speed limit. Officer Mohr stopped on Commercial St., which I assume he was getting a radar reading on the vehicle. I then saw Officer Mohr accelerate as if he was beginning to catch up with the vehicle. I also began to follow Officer Mohr. I saw Officer Mohr activate his lights at which time I activated my lights. Officer Mohr then called out with a 10-80 (chase in progress). I continued to assist in the pursuit at which time Officer Mohr had called out that the vehicle had pulled into a driveway on Monroe St. I observed Officer Mohr began to chase a subject through a back yard at which time I exited my vehicle and also began to pursue the individual. Officer Mohr and the individual were going through fenced in backyards and I was able to get along the railroad tracks and run on the outside of the fence, gaining on Officer Mohr and subject. I then saw Officer Mohr with his taser drawn, ordering the individual to the ground at which time the individual complied. I then climbed the fence and approached the subject and handcuffed him. The individual was turned over to Officer Mohr and I identified him with a Wisconsin driver's license as Adam Starkel. I then sat with the vehicle until Goss Auto Body towed it.

Officer Mohr asked me to run the Intoximeter test as he had placed the individual under arrest for Operating a Motor Vehicle While Under the Influence of an Intoxicant back at the Neenah Police Department. I did complete the Intoximeter Test. I entered all the information into the Intoximeter preparing for Adam to give his two breath samples.

Adam's first breath sample at 1:43 AM was .191. Adam's second breath test was a .184 for a reported value of .18. I did explain and give Adam his copy of the subject test record. It should be noted the machine did pass the extra check and all of the blanks were .000. tar/amw cb
